

UNITED STATES DISTRICT COURT

Eastern

District of

Pennsylvania

UNITED STATES OF AMERICA

V.

THOMAS ROBERTSON

FILED

AUG 12 2011

MICHAEL E. KUNZ, Clerk
By _____ Dep. Clerk**JUDGMENT IN A CRIMINAL CASE**

Case Number:

DPAE2:10CR000757-001

USM Number:

66804-066

PATRICK EGAN, ESQ.

Defendant's Attorney

THE DEFENDANT:X pleaded guilty to count(s) 1 THROUGH 38, 40 pleaded nolo contendere to count(s) _____ which was accepted by the court. was found guilty on count(s) _____ after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense</u>	<u>Count</u>
18:371	CONSPIRACY	Jan. 2009	1
18:1344	BANK FRAUD	Nov. 2008	2
18:1014	FALSE STATEMENTS TO OBTAIN A LOAN	Jan. 24, 2008	3
18:2	AIDING AND ABETTING		

The defendant is sentenced as provided in pages 2 through 9 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984. The defendant has been found not guilty on count(s) _____ Count(s) _____ is are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

JULY 25, 2011

Date of Imposition of Judgment

JUAN R. SÁNCHEZ, J. USDI-EDPA

Name and Title of Judge

8/10/11

Date

DEFENDANT: THOMAS ROBERTSON
CASE NUMBER: DPAE2:10CR000757-001

ADDITIONAL COUNTS OF CONVICTION

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18:1014	FALSE STATEMENTS TO OBTAIN A LOAN	Oct. 27, 2008	4 & 5
18:2	AIDING AND ABETTING		
18:1344	BANK FRAUD	June, 2010	6
18:1344	BANK FRAUD		7
18:2	AIDING AND ABETTING		
18:1014	FALSE STATEMENTS TO OBTAIN A LOAN	Jan. 16, 2008	8
18:2	AIDING AND ABETTING		
18:1014	FALSE STATEMENTS TO OBTAIN A LOAN	May 8, 2008	9
18:2	AIDING AND ABETTING		
18:1344	BANK FRAUD	Oct. 2008	10
18:2	AIDING AND ABETTING		
18:1014	FALSE STATEMENTS TO OBTAIN A LOAN	Oct. 20, 2008	11
18:2	AIDING AND ABETTING		
18:1344	BANK FRAUD	Dec. 2008	12
18:2	AIDING AND ABETTING		
18:1014	FALSE STATEMENTS TO OBTAIN A LOAN	Dec. 17, 2008	13
18:2	AIDING AND ABETTING		
18:1344	BANK FRAUD	Oct. 2008	14
18:2	AIDING AND ABETTING		
18:1014	FALSE STATEMENTS TO OBTAIN A LOAN	March 6, 2008	15
18:2	AIDING AND ABETTING		
18:1014	FALSE STATEMENTS TO OBTAIN A LOAN	March 18, 2008	16
18:2	AIDING AND ABETTING		
18:1014	FALSE STATEMENTS TO OBTAIN A LOAN	March 20, 2008	17
18:2	AIDING AND ABETTING		
18:1014	FALSE STATEMENTS TO OBTAIN A LOAN	April 9, 2008	18
18:2	AIDING AND ABETTING		
18:1014	FALSE STATEMENTS TO OBTAIN A LOAN	April 17, 2008	19
18:2	AIDING AND ABETTING		
18:1014	FALSE STATEMENTS TO OBTAIN A LOAN	April 24, 2008	20
18:2	AIDING AND ABETTING		
18:1014	FALSE STATEMENTS TO OBTAIN A LOAN	May 20, 2008	21
18:2	AIDING AND ABETTING		
18:1014	FALSE STATEMENTS TO OBTAIN A LOAN	June 25, 2008	22
18:2	AIDING AND ABETTING		
18:1014	FALSE STATEMENTS TO OBTAIN A LOAN	June 30, 2008	23
18:2	AIDING AND ABETTING		
18:1344	BANK FRAUD	Sept. 2008	24
18:2	AIDING AND ABETTING		
18:1014	FALSE STATEMENTS TO OBTAIN A LOAN	Sept. 24, 2008	25
18:2	AIDING AND ABETTING		
18:1344	BANK FRAUD	Sept. 28, 2008	26
18:1344	BANK FRAUD	Feb. 2008	27

DEFENDANT: THOMAS ROBERTSON
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ADDITIONAL COUNTS OF CONVICTION

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18:1014	FALSE STATEMENTS TO OBTAIN A LOAN	Feb. 11, 2008	28
18:2	AIDING AND ABETTING		
18:1014	FALSE STATEMENTS TO OBTAIN A LOAN	Jan. 18, 2008	29
18:2	AIDING AND ABETTING		
18:1344	BANK FRAUD	July 2008	30
18:2	AIDING AND ABETTING		
18:1014	FALSE STATEMENTS TO OBTAIN A LOAN	July 10, 2008	31
18:2	AIDING AND ABETTING		
18:1344	BANK FRAUD	April 2010	32
18:1014	FALSE STATEMENTS TO OBTAIN A LOAN	April 20, 2010	33
18:1344	BANK FRAUD	July 2008	34
18:2	AIDING AND ABETTING		
18:1014	FALSE STATEMENTS TO OBTAIN A LOAN	March 12, 2008	35
18:2	AIDING AND ABETTING		
18:1014	FALSE STATEMENTS TO OBTAIN A LOAN	June 18, 2008	36
18:2	AIDING AND ABETTING		
18:1014	FALSE STATEMENTS TO OBTAIN A LOAN	July 11, 2008	37
18:2	AIDING AND ABETTING		
18:1344	BANK FRAUD	July 2010	38
18:1543	USING A FRAUDULENT PASSPORT	June 5, 2010	40

DEFENDANT: THOMAS ROBERTSON
CASE NUMBER: 10-757

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

60 MONTHS ON COUNT 1 AND 96 MONTHS ON EACH OF COUNTS 2 THROUGH 38 AND COUNT 40, ALL TERMS TO RUN CONCURRENTLY.

The court makes the following recommendations to the Bureau of Prisons:

DEFENDANT SHALL PARTICIPATE IN A DRUG TREATMENT PROGRAM WHILE CONFINED IN A FEDERAL INSTITUTION.

DEFENDANT SHALL BE HOUSED CLOSE TO HIS FAMILY IN FAIRTON, NEW JERSEY.

The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district:

- at _____ a.m. p.m. on _____
 as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

- before 2 p.m. on _____
 as notified by the United States Marshal.
 as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: THOMAS ROBERTSON
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SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of:

5 YEARS, THIS TERM CONSISTS OF 3 YEARS ON EACH OF COUNTS 1 AND 40 AND 5 YEARS ON EACH OF COUNTS 2 THROUGH 38, ALL SUCH TERMS TO RUN CONCURRENTLY.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

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ADDITIONAL STANDARD CONDITIONS OF SUPERVISION

Defendant shall provide the U.S. Probation Office with full disclosure of his financial records to include yearly income tax returns upon the request of the U.S. Probation Office. The defendant shall cooperate with the probation officer in the investigation of his financial dealings and shall provide truthful monthly statements of his income.

The defendant shall refrain from all gambling activities, legal or otherwise. The defendant is to attend Gamblers Anonymous or similar treatment, as approved by the Court after receiving a recommendation by the U.S. Probation Office. The defendant shall abide by the rules of said treatment and shall remain in treatment until satisfactorily discharged with the approval of the Court.

Defendant is prohibited from incurring any new credit charges or opening additional lines of credit without the approval of the probation officer, unless the defendant is in compliance with a payment schedule for any fine or restitution obligation. The defendant shall not encumber or liquidate any interest in any assets unless it is in direct service of the fine or restitution obligation or otherwise has the express approval of the Court.

Defendant shall cooperate in the collection of DNA as directed by the probation officer.

It is further ordered that the defendant shall pay restitution in the amount of \$1,209,064.00. The Court will waive the interest requirement in this case. Payments should be made payable to Clerk, U.S. District Court, for distribution.

The amount ordered represents the total amount due to the victim for this loss. The defendant's restitution obligation shall not be affected by any restitution payments made by other defendants in this case, except that no further payments shall be required after the sum of the amounts actually paid by all defendants has fully satisfied this loss. The following defendant(s) in the following case(s) may be subject to restitution orders to the same victim for these same losses:

Criminal No.: 11-00183-01

The restitution is due immediately. It is recommended that the defendant participate in the Bureau of Prisons Inmate Financial Responsibility Program and provide a minimum payment of \$25 per quarter towards the restitution. In the event the restitution is not paid prior to the commencement of supervision, the defendant shall satisfy the amount due in monthly installments of not less than \$200.00, to commence 30 days after release from confinement.

The defendant shall notify the United States Attorney for this district within 30 days of any change of mailing address or residence that occurs while any portion of the restitution remains unpaid.

The Court finds that the defendant does not have the ability to pay a fine. The Court will waive the fine in this case.

Defendant shall be evaluated and follow recommended treatment for his drug addiction as approved by the Court after receiving a recommendation by the U.S. Probation Office, and defendant shall abide by the rules of any said program and remain in treatment for drug

In addition, defendant shall also be evaluated and submit himself to treatment as approved by the Court after receiving a recommendation by the U.S. Probation Office regarding anger management, and he shall abide by the rules of any said program and remain in treatment until such time as the Court so directs.

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CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

TOTALS	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
	\$ 3,900.00	\$	\$ 1,209,064.00

The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
Alliant Federal Credit Union	\$167,112	\$167,112	100%
Bank of America	\$189,950	\$189,950	100%
Digital Federal Credit Union	\$6,000	\$6,000	100%
Founders Fed. Credit Union	\$49,516	\$49,516	100%
HEW Federal Credit Union	\$45,000	\$45,000	100%
Navy Federal Credit Union	\$482,138	\$482,138	100%
Pentagon Fed. Credit Union	\$63,970	\$63,970	100%
Phila. Fed. Credit Union	\$30,000	\$30,000	100%
Police & Fire Fed. Credit Union	\$65,249	\$65,249	100%
Superior Fed. Credit Union	\$21,829	\$21,829	100%
Truliant Fed. Credit Union	\$88,300	\$88,300	100%
 TOTALS	 \$ 1209064	 \$ 1209064	

Restitution amount ordered pursuant to plea agreement \$ _____

The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

The court determined that the defendant does not have the ability to pay interest and it is ordered that:

the interest requirement is waived for the fine restitution.

the interest requirement for the fine restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

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ADDITIONAL RESTITUTION PAYEES

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
Alliant Federal Credit Union 11545 West Touhy Chicago, IL 60666	\$167,112	\$167,112	100%
Bank of America 208 Harristown Road Glen Rock, NJ 07452	\$189,950	\$189,950	100%
Digital Federal Credit Union 220 Donald Lynch Blvd. Marlborough, MA 01752	\$6,000	\$6,000	100%
Founders Federal Credit Union 3901 Chester Highway Lancaster, SC 29720	\$49,516	\$49,516	100%
HEW Federal Credit Union 400 North Columbus Street Alexandria, VA 22314	\$45,000	\$45,000	100%
Navy Federal Credit Union 820 Follin Lane Vienna, VA 22180	\$482,138	\$482,138	100%
Pentagon Federal Credit Union PO Box 1432 Alexandria, VA 22313	\$63,970	\$63,970	100%
Philadelphia Federal Credit Union 12800 Townsend Road Philadelphia, PA 19154	\$30,000	\$30,000	100%
Police & Fire Federal Credit Union 901 Arch Street Philadelphia, PA 19107	\$65,249	\$65,249	100%
Superior Federal Credit Union PO Box 26159 Collegeville, PA 19426	\$21,829	\$21,829	100%
Truliant Federal Credit Union 3200 Truliant Way Winston Salem, NC 27103	\$88,300	\$88,300	100%

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

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SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A Lump sum payment of \$ 3,900.00 due immediately, balance due
 not later than _____, or
 in accordance C, D, E, or F below; or
- B Payment to begin immediately (may be combined with C, D, or F below); or
- C Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D Payment in equal monthly (e.g., weekly, monthly, quarterly) installments of \$ 200.00 over a period of _____ (e.g., months or years), to commence 30 (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- The defendant shall pay the cost of prosecution.
 The defendant shall pay the following court cost(s):
 The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.